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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,081	04/21/2000	Henry B. Strub	IR-022-C1	6596

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EXAMINER

TRAN, THAI Q

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/555,081

Applicant(s)

SPEED ET AL.

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4-8</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-9, 11-13, 15-31, 33, 35-36, 39-49, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al ('409).

Regarding claim 1, Yuen et al discloses a recording unit (Fig. 1) for recording an event, comprising a data acquisition device (VCR-1 of Fig. 1, col. 5, lines 22-38) for obtaining recording data representing the content of the event; a data storage device (VCR-1 of Fig. 1, col. 5, lines 22-38) for storing data, including recording data; a control interface device (50a of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) for enabling a recorder to control operation of the recording unit, the control interface device further comprising marking means for enabling the recorder to specify a non-contemporaneous mark; and a system controller (VCR control logic 21 of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) that causes, in response to the specification of a non-contemporaneous mark by the recorder, the data storage device to store marking data associating the non-contemporaneous mark with recording data obtained at a marked time different from the marking time at which the non-contemporaneous mark was specified by the recorder.

Regarding claim 2, Yuen et al discloses the claimed wherein the marking mean is adapted to enable specification of a retrospective mark that is associated with recording data obtained at a marked time prior to the marking time at which the retrospective mark was specified by the recorder (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 3, Yuen et al discloses the claimed wherein the marking means is adapted to enable specification of a predictive mark that is associated with recording data obtained at a marked time subsequent to the marking time at which the predictive mark was specified by the recorder (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 4, Yuen et al discloses the claimed wherein the marking data defines the marking time and a duration of time, the marked time being the time different from the marking time by the amount of the duration of time (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 5, Yuen et al discloses the claimed wherein the marking data defines the marked time directly (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 8, Yuen et al discloses the claimed wherein the marking data further defines a range of time relative to the marked time (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 9, Yuen et al discloses the claimed wherein the marking means is adapted to enable specification of multiple types of non-contemporaneous marks,

each type of mark having a different meaning (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 11, Yuen et al discloses the claimed wherein the recording unit is portable (VCR-1 of Fig. 1, col. 5, lines 22-38).

Regarding claim 12, Yuen et al discloses the claimed means for mounting one or more components of the recording unit on the body of the recorder (Fig. 1, col. 5, lines 22-38).

Regarding claim 13, Yuen et al discloses the claimed wherein the data acquisition device further comprises a visual data acquisition device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Claim 15 is rejected for the same reasons as discussed in claims 1 and 11-12 above.

Regarding claim 16, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks that are associated with recording data obtained at a time other than the time at which the mark is specified (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 17, Yuen et al discloses the claimed wherein the multiple types of marks includes one or more marks indicating a level of importance or interest of the content which the marked recording data represents (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 18, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating a characteristic of the content which the

marked recording data represents (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 19, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating the beginning or end of activity of interest.

Regarding claim 20, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating the recording conditions (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 21, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating the recorder's state of mind (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 22, Yuen et al discloses the claimed wherein the multiple types of marks include one or more privacy marks (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 23, Yuen et al discloses the claimed wherein the one or more privacy marks includes a mark that indicates that the marked part of the recording is to be erased (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 24, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating different recording units (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 25, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks identifying the person making the mark (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 26, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks identifying a person appearing in the part of the recording represented by the recording data associated with the mark (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 27, Yuen et al discloses means for enabling the recorder to specify the meaning of one or more of the multiple types of marks (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 28, Yuen et al discloses the claimed means for changing the meaning of one or more marks (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 29, Yuen et al discloses the claimed wherein the means for changing the meaning of one or more marks further comprises means for analyzing the recording data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) and means for changing the meaning of a mark based on the analysis of the recoding data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 30, Yuen et al discloses the claimed means (VCR-1 of Fig. 1, cols. 47-51) for obtaining data other than recording data; and means for changing the meaning of one or more marks further comprises means for changing the meaning of a

mark based on the data other than the recording data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 31, Yuen et al discloses one or more marking tokens for enabling a person to specify a corresponding type of mark, each marking token adapted to enable physical separation of the marking token from the control interface device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 33, Yuen et al discloses the claimed wherein the data acquisition device further comprises a visual data acquisition device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 35 Yuen et al discloses the claimed wherein the system controller causes, in response to the specification of a mark by the recorder, operation of the recording unit in a predetermined manner in accordance with the type of the mark (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Claim 36 is rejected for the same reasons as discussed in claim 1 above.

Claim 39 is rejected for the same reasons as discussed in claim 1 above.

Additional, Yuen et al discloses means for producing a mark and/or supplementing or modifying an existing mark based on the value of, or an analysis of, data acquired by the recording unit (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 40, Yuen et al discloses the claimed wherein the means for producing a mark and/or supplementing or modifying an existing mark produces,



supplements or modifies based on the value of, or an analysis of, the recording data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Claim 41 is rejected for the same reasons as discussed in claim 30 above.

Regarding claim 42, Yuen et al discloses the claimed wherein means for acquiring data further comprises a physiological monitoring device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) and means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, physiological monitoring data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 43, Yuen et al discloses wherein means for acquiring data other than recording data further comprises a position sensing device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) and means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, position data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 44, Yuen et al discloses the claimed wherein the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the proximity of the marking time to the marked time (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Claims 45-49 and 52 are rejected for the same reasons as discussed in claims 1-5 and 8 above, respectively.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 6-7 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Abecassis ('814).

Regarding claim 6, Yuen et al discloses all the features of the instant invention except for providing that the marking data further defines a confidence level that represents the certainty of the recorder that the marked recording data is the recording data that the recorder desires to mark.

Abecassis teaches a variable-content video retriever having means for marking data defines a confidence level that represents the certainty of the recorder that the marked recording data is the recording data that the recorder desires to mark (cols. 8-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate segmenting the video signal into G, PG, PG-13, R, NC-17 rating segments as taught by Abecassis into Yuen et al's system in order to prevent an unauthorized viewer to watch recorded video signal.

Regarding claim 7, Abecassis teaches the claimed wherein the value of the confidence level defines a range of time relative to the marked time (cols. 8-9).

Claims 50-51 are rejected for the same reasons as discussed in claims 6-7 above.

5. Claims 10, 14, 32, 34, 37-38, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Cruz et al ('032).

Regarding claim 10, Yuen et al discloses all the features of the instant invention except for providing means for indicating that a voice mark is to be imminently specified and means for identifying a voice mark, the means for identifying operable in response to an indication that a voice mark is to be imminently specified.

Cruz et al teaches a system and method for recording, playing back and searching multimedia event wherein video, audio and text can be searched and retrieved having means for indicating that a voice mark is to be imminently specified (col. 6, line 55 to col. 7, line 37) and means for identifying a voice mark, the means for identifying operable in response to an indication that a voice mark is to be imminently specified (col. 6, line 55 to col. 7, line 37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the searching apparatus as taught Cruz et al into Yuen et al's system in order to searching the desired audio signal in multimedia data.

Regarding claim 14, Cruz et al teaches the claimed wherein the data acquisition device further comprises an audio data acquisition device (col. 6, line 55 to col. 7, line 37).

Claim 32 is rejected for the same reasons as discussed in claim 10 above.

Claim 34 is rejected for the same reasons as discussed in claim 14 above.

Regarding claim 37, Cruz et al discloses the claimed wherein the system controller causes recording data corresponding to the at least one mark to be compressed in accordance with the level of importance or interest represented by the mark (col. 6, lines 37-54).

Regarding claim 38, Cruz et al discloses the claimed wherein the system controller causes compression of recording data to be reduced after the predetermined amount of time (col. 6, lines 37-54).

Claim 53 is rejected for the same reasons as discussed in claim 10 above.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to an apparatus recording/reproducing video signal.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ  
May 5, 2002